

Sixth Appellate District

San Jose, California

MONDAY, JUNE 16, 2008

(no minute approved orders)

TUESDAY, JUNE 17, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H031524 FALCONE v. FYKE

Cause called and argued by Kathey Fyke appearing for Appellant in propria persona and by Bernard Wolf appearing for Respondent. Cause ordered submitted.

H032007 SAFAI v. SAFAI, as Trustee, etc.

Cause called and argued by Stephanie Sparks appearing for Appellant and by Kenneth Pronchow appearing for Respondents. Cause ordered submitted.

H029296 CITY OF HOLLISTER v. MONTEREY INSURANCE COMPANY, et al.

H030161 CITY OF HOLLISTER v. MONTEREY INSURANCE COMPANY, et al.

Cause called and argued by John Hook appearing for Appellants and by Joel Franklin appearing for Respondent. Cause ordered submitted.

Premo, J. and Elia, J. leave the bench. McAdams, J. and Duffy, J. take the bench.

H029972 In re OLIVIA S., et al.; D.F.C.S. v. RENEE S., et al.

Cause called and argued by Carin Johnson appearing for Appellant and by Tamara Predes appearing for Appellant and by Teri Robinson, Deputy County Counsel, appearing for respondent and Robert Masterson, Deputy District Attorney, appearing for minor. Cause ordered submitted. Court adjourns.

H030913 In re SOUSA on Habeas Corpus

The petition for rehearing is denied. (Filed modification of opinion with no change in the judgment.) (not published)

(Duffy, J., Mihara, Acting P.J., McAdams, J.)

Filed June 17, 2008

Sixth Appellate District

San Jose, California

Tuesday, June 17, 2008 (continued)

H031137 In re marriage of HOA PHAM v. MATHIEU PHAM

The domestic violence restraining order filed January 10, 2007, is affirmed. Costs are not awarded to respondent as the prevailing party because respondent did not participate in the appeal. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed June 17, 2008

H031653 PEOPLE v. LI

The judgment is reversed for the limited purpose of resentencing with respect to the order requiring defendant to register as a sex offender. Within 30 days after expiration of the time to seek review of this decision in the Supreme Court, the prosecution may apply to the trial court for a resentencing hearing. In the absence of such application, the trial court shall strike the registration requirement from its sentencing order and abstract of judgment, and forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed June 17, 2008

H031912 PEOPLE v. CAMACHO

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Mihara, J.)

Filed June 17, 2008

H031660 PEOPLE v. OLSEN et al.

As to Olsen, we modify the judgment to strike the no-contact order. As so modified, the judgment is affirmed. As to Bryant, we modify the judgment to strike no-contact order. As so modified, the judgment is affirmed. The trial court is directed to correct the abstracts of judgment and forward copies to the Department of Corrections (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed June 17, 2008

H031037 PEOPLE v. GUERRA

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 17, 2008

Sixth Appellate District

San Jose, California

WEDNESDAY, JUNE 18, 2008

H031963 PEOPLE v. GITZEN

By the Court:

Upon the court's own motion, the submission order in the above entitled matter dated April 4, 2008, is hereby vacated. The matter is ordered placed on calendar for oral argument on Thursday, July 24, 2008, at 1:30 p.m.

The cause will be resubmitted upon completion of oral argument.

Dated: June 18, 2008

Mihara, Acting P.J.

H030529 PEOPLE v. ADAMS, et al.

By the Court*:

Respondent's request for modification of the court's opinion considered a petition for rehearing is denied.

Filed: June 18, 2008

*Before Rushing, P.J., Premo, J. and Elia, J.

THURSDAY, JUNE 19, 2008

The following cases are submitted this date:

H032410 PEOPLE v. KARIM F.

H032450 PEOPLE v. RANDY L.

H031611 PEOPLE v. ROMERO

H032347 In re KAYLA W.; D.F.C.S. v. PATTY D.

H031922 LOUMENA v. LOUMENA

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Mihara, J.; and Beth Miller, Deputy Clerk.

H030996 PEOPLE v. SUMINTO

Cause called and argued by Meredith Fahn appearing for Appellant and by Catherine A. Rivlin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Rushing, P.J. and Premo, J. leave the bench and McAdams, J. and Duffy, J. take the bench.

H030594 PEOPLE v. CASTILLO

Cause called and argued by Ramiah Shanti Brien appearing for Appellant and by Christina Vom Saal appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, June 19, 2008 (continued)

H030940 PEOPLE v. WILSON

Cause called and argued by Steven Schorr appearing for Appellant and by Seth K. Schalit, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court is adjourned.

H032748 AARON L. v. SUPERIOR COURT

The writ petitions are denied. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed June 19, 2008

FRIDAY, JUNE 20, 2008

H032257 PEOPLE v. ABDILLAHI

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed June 20, 2008

H032654 PEOPLE v. BARRIOS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed June 20, 2008

H032342 PEOPLE v. WELLS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 20, 2008

H032155 THIRUNAVU v. ANNAMALAI

The October 2007 judgment on reserved issues is affirmed.
(not published)

(McAdams, J.; We concur: Rushing, P.J., Duffy, J.)

Filed June 20, 2008

Sixth Appellate District

San Jose, California

Friday, June 20, 2008 (continued)

H030838 PEOPLE v. PETERS

The judgment is reversed and the matter is remanded for the purpose of holding a new in camera hearing on defendant's *Pitchess* motion. The court shall retain for the record, under seal, originals or copies of all documents it examines in camera. If the court finds no discoverable information during its in camera review, the court shall reinstate the judgment. If court determines there is discoverable information, the court shall order disclosure as required by law (see Evid. Code, §§ 1043, 1045, *People v. Mooc*, *supra*, 26 Cal.4th at pp. 1226-1227) and permit defendant a reasonable opportunity to prepare and bring a motion for a new trial. If defendant does not bring a motion for a new trial within the reasonable time permitted or a new trial motion is denied, the court shall reinstate the judgment. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed June 20, 2008